

EX 1263

Document No. 766

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UNITED STATES OF AMERICA
DEPARTMENT OF THE NAVY

WASHINGTON, D.C., February 21, 1946

I HEREBY CERTIFY THAT THE ATTACHED is a photostat of the Finding of Facts from the Record of Proceedings of a Court of Inquiry convened on board the U.S.S. AUGUSTA by orders of the Commander in Chief of the U.S. Asiatic Fleet to inquire into all the circumstances connected with the bombing and loss of the U.S.S. PANAY in the Yangtze River near mileage 221 above Woosung, China on December 12, 1937.

ON FILE IN THE Navy Department.

/s/ G. L. Russell
G. L. RUSSELL
Assistant Judge Advocate General of the Navy

OFFICE OF THE SECRETARY

I HEREBY CERTIFY THAT G. L. RUSSELL who signed the foregoing certificate, was at the time of signing Assistant Judge Advocate General of the Navy and that full faith and credit should be given his certification as such.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Navy Department to be affixed this Twenty-first day of February, one thousand nine hundred and forty-six.

/s/ O. S. Colclough
O. S. COLCLOUGH
Judge Advocate General of the Navy
For the Secretary of the Navy

(SEAL)

The court, having thoroughly inquired into all the facts and circumstances connected with the subject matter of the inquiry, finds as follows:

FINDING OF FACTS

1. That on December 12, 1937, the U.S.S. PANAY, a unit of the Yangtze Patrol of the United States Asiatic Fleet, was operating under lawful orders on the Yangtze river.
2. That the immediate mission of the U.S.S. PANAY was to protect nationals, maintain communication between the United States Embassy office, Nanking, China, and the American Ambassador at Hankow, China; provide a temporary office for the U.S. Embassy staff during the time when Nanking was greatly endangered by military operations, and to afford a refuge for American and other foreign nationals.
3. That due to intensive shell fire around Nanking the U.S.S. PANAY had changed berth several times to avoid being hit, and on the morning of December 12, 1937, formed a convoy of Socony-Vacuum Oil Company vessels, principally the S.S. MEIPING, MEIHSIA, and MEIAN and proceeded upriver.
4. That adequate steps were taken at all times to insure that the Japanese authorities were informed of the movements of the U.S.S. PANAY.
5. That, in addition to her regular complement, the U.S.S. PANAY had on board at this time four members of the American Embassy staff, four American nationals and five foreign nationals.
6. That at 0940, while standing upriver, the U.S.S. PANAY stopped in response to a signal from a Japanese landing boat. A Japanese Army boarding officer and guard went on board and was informed that the U.S.S. PANAY and convoy were proceeding to anchorage twenty-eight miles above Nanking. No warning was given of any danger likely to be encountered.
7. That at about 1100 December 12, 1937, the U.S.S. PANAY and convoy anchored in the Yangtze river in a compact group at about mileage 221 above Woosung, twenty-eight miles above Nanking.
8. That the U.S.S. PANAY was painted white with buff upper works and stacks and displayed two large horizontal flags on her upper deck awnings plus large colors at her gaff.
9. That the Socony-Vacuum ships MEIPING, MEIHSIA, and MEIAN each displayed numerous horizontal and vertical American flags, all of large size.

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10. That at 1330 the crew of the U.S.S. PANAY were engaged in normal Sunday routine and were all on board except a visiting party of eight men on board the S.S. MEIPING.

11. That at about 1338 three large Japanese twin motored planes in a Vee formation were observed at a considerable height passing overhead down-river. At this time no other craft were in the near vicinity of the U.S.S. PANAY and convoy, and there was no reason to believe the ships were in a dangerous area.

12. That without warning these three Japanese planes released several bombs, one or two of which struck on or very close to the bow of the U.S.S. PANAY and another which struck on or very close to the S.S. MEIPING.

13. That the bombs of the first attack did considerable damage to the U.S.S. PANAY, disabling the forward three inch gun, seriously injuring the Captain and others, wrecking the pilot house and sick bay, disabling the radio equipment and the steaming fireroom so that all power was lost, and causing leaks in the hull which resulted in the ship settling down by the head and listing to starboard thereby contributing fundamentally to the sinking of the ship.

14. That immediately thereafter a group of six single engined biplanes attacked from ahead, diving singly and appearing to concentrate on the U.S.S. PANAY. A total of about twenty bombs were dropped, many striking close aboard and creating, by fragments and concussion, great damage to ship and personnel. These attacks lasted about twenty minutes during which time at least two of the planes attacked also with machine guns; one machine gun attack was directed against a ship's boat bearing wounded ashore, causing several further wounds and piercing the boat with bullets.

15. That during the entire attack the weather was clear with high visibility and little if any wind.

16. That the planes participating in the attacks on the U.S.S. PANAY and its convoy were unmistakably identified by their markings as being Japanese.

17. That immediately after the first bomb struck, air defense stations were manned; the thirty caliber machine gun battery opened fire and engaged the attacking planes throughout the remainder of the attack. The three inch battery was not manned, nor were any three inch shells fired at any time. This was in accordance with the ship's air defense bill.

18. That during the bombing many were injured by flying fragments and concussion and all suffered shock on the first bomb. The Captain suffered a broken hip and severe shock; soon thereafter Lieutenant Anders, executive officer, was wounded by fragments in throat and hands, losing power of speech; Lt. (J.G.) Geist, engineer officer, received fragments in the leg.

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Ensign Biverse had clothing blown off and was severely shocked. This includes all the line officers of the ship. The Captain being disabled, the executive officer carried on his duties, giving orders in writing. He issued instructions to secure confidential publications, to get underway, and to beach the ship. Extensive damage prevented getting underway.

19. That at about 1400, believing it impossible to save the ship and considering the number of wounded and the length of time necessary to transfer them ashore in two small boats, the Captain ordered the ship to be abandoned. This was completed by about 1500. By this time the main deck was awash and the PANAY appeared to be sinking.

20. That all severely wounded were transferred ashore in the first trips. The Captain protested in his own case. The executive officer, when no longer able to carry on due to wounds, left the ship on the next to the last trip and Ensign Biverse remained until the last trip.

21. That after the PANAY had been abandoned, Mahlmann, Chief boatswain's mate, and Weimers, machinist's mate first class, returned to the PANAY in one of the ship's boats to obtain stores and medical supplies. While they were returning to the beach a Japanese power boat filled with armed Japanese soldiers approached close to the PANAY, opened fire with a machine gun, went alongside, boarded, and left within five minutes.

22. That at 1554 the U.S.S. PANAY, shortly after the Japanese boarding party had left, rolled over to starboard and sank in from seven to ten fathoms of water, approximate latitude 30-44-30 North, longitude 117-27 East. Practically no valuable government property was salvaged.

23. That after the PANAY survivors had reached the left bank of the river, the Captain, in view of his own injuries and the injuries and shock sustained by his remaining line officers, and the general feeling that attempts would be made to exterminate the survivors, requested Captain F.N. Roberts, U.S. Army, who was not injured, and who was familiar with land operations and the Chinese language, to act under his direction as his immediate representative. Captain Roberts functioned in this capacity until the return of the party on board the U.S.S. OAHU on December 15, 1937, performing outstanding service.

24. That Messrs. Atcheson and Paxton of the U.S. Embassy staff rendered highly valuable services on shore where their knowledge of the country and language, coupled with their resourcefulness and sound advice, contributed largely to the safety of the party.

25. That after some fifty hours ashore, during which time the entire party suffered much hardship and exposure, somewhat mitigated by the kindly assistance of the Chinese, they returned and boarded the U.S.S. OAHU and H.M.S. LADYBIRD.

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26. That from the beginning of an unprecedented and unlooked for attack of great violence until their final return, the ship's company and passengers of the U.S.S. PANAY were subjected to grave danger and continuous hardship. Their conduct under these conditions was in keeping with the best traditions of the Naval Service.

27. That among the PANAY passengers, Mr. Sandro Sandri died of his injuries at 1340 December 13, 1937, and Messrs J. Hall Paxton, Emile Cassie, and Roy Squires were wounded.

28. That early in the bombing attacks the Standard Oil vessels got underway. The MEIPING and MEIHSIA secured to a pontoon at the Kaiyuan wharf, the MEIAN was disabled and beached further down river on the left bank. All these ships received injuries during the first phases of the bombing. Serious fires on the MEIPING were extinguished by the PANAY visiting party of eight men who were unable to return to their ship.

29. That after attacks on the PANAY had ceased, the MEIPING and MEIHSIA were further attacked by Japanese bombing planes, set on fire and destroyed. Just previous to this bombing, Japanese army units on shore near the wharf attempted to avert this bombing by waving Japanese flags. They were not successful and received several casualties. It is known that Captain Carlson of the MEIAN was killed and that Messrs Marshall, Vines, and Pickering were wounded. Casualties among the Chinese crews of these vessels were numerous but cannot be fully determined.

30. That the following members of the PANAY crew landed on shore from the MEIPING after vainly attempting to extinguish oil and gasoline fires on board; V.F. Puckett, Chief machinist's mate; J.A. Granes, gunner's mate first class; J.A. Dirnhoffer, seaman first class; T.A. Coleman, Chief pharmacist's mate; J.A. Bonkoski, gunner's mate third class; R.L. Browning, electrician's mate third class; J.L. Hodge, fireman first class, and W.T. Hoyle, machinist's mate second class. These men encountered Japanese soldiers on shore who were not hostile on learning they were Americans.

31. That all of the PANAY crew from the MEIPING, except J.L. Hodge, fireman first class, remained in one group ashore until the following day when they were rescued by H.M.S. BEE. Hodge made his way to Wuhu and returned to Shanghai via Japanese naval plane on December 14, 1937.

32. That in searching for and rescuing the survivors, Rear Admiral Holt, R.N., and the officers and men of H.M.S. BEE and H.M.S. LADYBIRD rendered most valuable assistance under trying and difficult conditions thereby showing a fine spirit of helpfulness and cooperation.

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33. That Charles L. Ensminger, storekeeper first class, died at 1330 December 13, 1937, at Holsien, China, from wounds received during the bombing of the U.S.S. PANAY and that his death occurred in line of duty not the result of his own misconduct.

34. That Edgar C. Hulsebus, coxswain, died at 0630 December 19, 1937, at Shanghai, China, from wounds received during the bombing of the U.S.S. PANAY and that his death occurred in line of duty not the result of his own misconduct.

35. That Lt. Commander James J. Hughes; Lieutenant Arthur F. Anders; Lieutenant (J.G.) John W. Grist; John W. Lang, chief quartermaster; Robert P. Hebard, fireman first class; Kenneth J. Rice, electrician's mate third class; Carl E. Birk, electrician's mate first class; Charles S. Schroyer, seaman first class; Alex Kozak, machinist's mate second class; Percy D. Zisler, ship's cook third class, and Newton L. Davis, fireman first class, were seriously injured in line of duty not the result of their own misconduct.

36. That Lieutenant Clark G. Grazier, Medical Corps; Ensign Denis E. Bivorse; Charles S. Adama, radioman second class; Tony Barba, ship's cook third class; John A. Bonkoski, gunner's mate third class; Ernest C. Branch, fireman first class; Raymond L. Browning, electrician's mate third class; Walter Cheatham, coxswain; Thomas A. Coleman, Chief pharmacist's mate; John A. Dirnhoffer, seaman first class; Yuan T. Erh, mess attendant first class; Fred G. Fichtenmayer, carpenter's mate first class; Emory F. Fisher, chief watertender; Michael Geront, machinist's mate second class; Cecil E. Green, seaman first class; John L. Modge, fireman first class; Fon E. Huffman, watertender second class; Karl H. Johnson, machinist's mate second class; Carl H. Kerske, coxswain; Peter W. Klumpers, Chief machinist's mate; William P. Lander, seaman first class; Ernest R. Mahlmann, Chief boatswain's mate; William A. McCabe, fireman first class; Stanley W. McEwen, seaman first class; James H. Peck, quartermaster second class; Reginald Peterson, radioman second class; Vernon F. Puckett, Chief machinist's mate; King F. Sung, mess attendant first class; Harry B. Tuck, seaman first class; Cleo E. Waxler, boatswain's mate second class; John T. Weber, yeoman first class, and Far Z. Wong, mess attendant first class, were slightly injured in line of duty not the result of their own misconduct.

37. That the log book, commanding officer's night order book, the last chart by which the ship was navigated, pay accounts, service records, muster roll, public monies, and public vouchers were not salvaged. All the health records were preserved and turned over to proper authority by the medical officer, U.S.S. PANAY.

38. That certain secret and confidential publications remained on board in the confidential safe when the ship was abandoned.

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